

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 71960

Frederick E. Frye
Patricia O. Frye

1015 Chesaco Avenue

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on March 3, 2010 for a Hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01.A; Baltimore County Code (BCC) section 13-7-310, 312, failure to cease use of the property as an open dump on residential property known as 1015 Chesaco Avenue, 21237.

On January 19, 2010, pursuant to Baltimore County Code §3-6-205, Inspector Christina Frink issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$600.00 (six hundred dollars).

The following persons appeared for the Hearing and testified: Patricia Frye, Respondent and daughter, Denise Frye, and Christina Frink, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. A Correction Notice was issued on December 14, 2009 for removal of trash, debris and materials from property. This Citation was issued on January 19, 2010.

B. Inspector Christina Frink testified that the Correction Notice was issued because her first inspection found large quantities of household items piled outside on the deck and under the deck of Respondents' house. She gave an extension of time, and this Hearing was delayed by inclement weather. Photographs in the file show piles of household items on the deck, under the deck, and in the driveway. Some piles are covered by plastic tarpaulins. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310.

C. Denise Frye, daughter of Owner/Respondent Patricia Frye, testified that she lives in the house with her mother and other family members. They had a terrible case of bedbugs last year and had to move everything out of the house in October 2009 so the pest company could treat the house. They have spent a lot of money on treatments and finished January 11, 2010. They are working on cleaning and moving everything back into the house and need more time to finish. Some items are ruined, and they have a dumpster on loan that they are using so items can be removed. She further testified that they can have everything cleaned up within two weeks.

D. Because compliance is the goal of code enforcement, and Respondents are making progress in correcting the violations, the civil penalty will be rescinded if the violations are corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violations are corrected by March 29, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 8th day of March 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.